

Article - Labor and Employment

[\[Previous\]](#)[\[Next\]](#)

§3–403.

This subtitle does not apply to an individual who:

- (1) is employed in a capacity that the Commissioner defines, by regulation, to be administrative, executive, or professional;
- (2) is employed in a nonadministrative capacity at an organized camp, including a resident or day camp;
- (3) is under the age of 16 years and is employed no more than 20 hours in a week;
- (4) is employed as an outside salesman;
- (5) is compensated on a commission basis;
- (6) is a child, parent, spouse, or other member of the immediate family of the employer;
- (7) is employed in a drive-in theater;
- (8) is employed as part of the training in a special education program for emotionally, mentally, or physically handicapped students under a public school system;
- (9) is employed by an employer who is engaged in canning, freezing, packing, or first processing of perishable or seasonal fresh fruits, vegetables, or horticultural commodities, poultry, or seafood;
- (10) engages in the activities of a charitable, educational, nonprofit, or religious organization if:
 - (i) the service is provided gratuitously; and
 - (ii) there is, in fact, no employer–employee relationship;
- (11) is employed in a cafe, drive-in, drugstore, restaurant, tavern, or other similar establishment that:

- (i) sells food and drink for consumption on the premises; and
- (ii) has an annual gross income of \$400,000 or less;

(12) is employed in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural–worker days;

(13) is engaged principally in the range production of livestock;

(14) is employed as a hand–harvest laborer and is paid on a piece–rate basis in an operation that, in the region of employment, has been and customarily and generally is recognized as having been paid on that basis, if:

(i) the individual:

1. commutes daily from the permanent residence of the individual to the farm where the individual is employed; and

2. during the preceding calendar year, was employed in agriculture less than 13 weeks; or

(ii) the individual:

1. is under the age of 17;

2. is employed on the same farm as a parent of the individual or a person standing in the place of the parent; and

3. is paid at the same rate that an employee who is at least 17 years old is paid on the same farm; or

(15) is a covered employee under the Secure Maryland Wage Act.

[\[Previous\]](#)[\[Next\]](#)